

[all counsel listed on signature pages]

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

HTC CORP.,
HTC AMERICA, INC.,

Defendants.

Case No. 4:18-cv-01887-HSG

**STIPULATION TO EXTEND TIME
TO REPLY TO DEFENDANTS
HTC CORP. AND HTC AMERICA,
INC.'S RESPONSE TO PHILIPS'
MOTION TO PARTIALLY
CONSOLIDATE CERTAIN
MATTERS FOR TRIAL**

1 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Koninklijke Philips N.V. and U.S.
2 Philips Corp. (“Philips”) together with Defendants HTC Corp. and HTC America, Inc.
3 (collectively, “HTC”), through counsel, hereby stipulate as follows:
4

5 WHEREAS, at the combined June 26, 2018 Case Management Conference in the above-
6 captioned case (the “HTC Case”) and the related cases *Koninklijke Philips N.V. et al. v. Acer Inc.*
7 *et al.*, 4:18-cv-1885-HSG, *Koninklijke Philips N.V. et al. v. ASUSTeK Computer Inc. et al.*, 4:18-
8 cv-1886-HSG, *Koninklijke Philips N.V. et al. v. Visual Land Inc.*, 4:18-cv-1888-HSG, and
9 *Koninklijke Philips N.V. et al. v. YiFang USA, Inc. d/b/a E-Fun Inc.*, 4:18-cv-1890-HSG
10 (collectively, the “Related Cases”), Philips raised the issue of filing a motion to consolidate certain
11 matters for trial;

12 WHEREAS, the Court subsequently ordered in the HTC Case and the Related Cases the
13 following briefing schedule for that motion: “July 17, 2018-last day to file motion regarding the
14 section 299 issue; August 7, 2018-last day to file opposition to motion; August 14, 2018-last day
15 to file reply to motion.” (Dkt. No. 430, 4:18-cv-1885-HSG; Dkt. No. 390, 4:18-cv-1886-HSG;
16 Dkt. No. 274, 4:18-cv-1887-HSG; Dkt. No. 363, 4:18-cv-1888-HSG; and Dkt. No. 342, 4:18-cv-
17 1890-HSG);

18 WHEREAS, in accordance with that briefing schedule, on July 17, 2018, Philips filed in
19 the Related Cases Plaintiffs’ Motion to Partially Consolidate Certain Matters for Trial (“Motion to
20 Consolidate”) (Dkt. No. 442, 4:18-cv-1885-HSG; Dkt. No. 398, 4:18-cv-1886-HSG; Dkt. No. 372,
21 4:18-cv-1888-HSG; and Dkt. No. 352, 4:18-cv-1890-HSG);

22 WHEREAS, on August 7, 2018, Defendants and Microsoft filed in the Related Cases
23 Oppositions to the Motion to Consolidate (Dkt. Nos. 454, 455, 4:18-cv-1885-HSG; Dkt. Nos. 411,
24 412, 4:18-cv-1886-HSG; Dkt. Nos. 382, 383, 4:18-cv-1888-HSG; and Dkt. Nos. 364, 365, 4:18-
25 cv-1890-HSG);

26 WHEREAS, on August 7, 2018, HTC filed an Administrative Motion for Permission to
27 File Response to Plaintiffs’ Motion to Partially Consolidate (“HTC’s Administrative Motion”) in
28 the HTC Case (Dkt. No. 286), given that Philips did not file the Motion to Consolidate in that

1 case, and HTC attached its response as Exhibit A to HTC's Administrative Motion ("HTC's
2 Response") (Dkt. No. 286-2);

3 WHEREAS, on August 8, 2018, the Court granted HTC's Administrative Motion (Dkt. No.
4 287);

5 WHEREAS, the Court subsequently granted in the Related Cases those parties' stipulated
6 requests to extend Philips' August 14, 2018 deadline to file a reply in support of its Motion to
7 Consolidate to August 21, 2018 (Dkt. Nos. 464, 465, 4:18-cv-1885-HSG; Dkt. Nos. 428, 429, 4:18-
8 cv-1886-HSG; Dkt. Nos. 392, 393, 4:18-cv-1888-HSG; and Dkt. Nos. 371, 375, 4:18-cv-1890-
9 HSG);

10 WHEREAS, on August 15, 2018, HTC filed its Response to Philips' Motion to Partially
11 Consolidate Certain Matters for Trial (Dkt. No. 294);

12 WHEREAS, similarly, Philips in this HTC case has requested a one-week extension of time
13 for Philips to file its response/reply to HTC's Response to August 21, 2018, to allow Philips
14 adequate time to fully and completely respond to all of the papers that have been filed with respect
15 to this issue;

16 WHEREAS, HTC has consented to Philips' requested extension;

17 WHEREAS, the hearing regarding this issue is currently scheduled for September 27, 2018
18 at 2:00 p.m.; and

19 WHEREAS, the extension of time for Philips' response/reply is not expected to alter the
20 date for the currently scheduled hearing.

21 NOW THEREFORE IT IS HEREBY STIPULATED by and between Philips and HTC,
22 through counsel, that Philips' response/reply to HTC's Response will be due on August 21, 2018.
23

24 Dated: August 15, 2018

Respectfully submitted,

25 /s/ Ryan McBrayer

/s/ Sean M. McCarthy

26 John Schnurer (Cal. Bar No. 185725)

Michael Sandonato (admitted *pro hac vice*)

27 Kevin Patariu (Cal. Bar No. 256755)

John Carlin (admitted *pro hac vice*)

Ryan Hawkins (Cal. Bar No. 256146)

Christopher Gerson (admitted *pro hac vice*)

Louise Lu (Cal. Bar No. 256146)

Natalie Lieber (admitted *pro hac vice*)

28 PERKINS COIE LLP

Jonathan M. Sharret (admitted *pro hac vice*)

1 11988 El Camino Real, Suite 350
2 San Diego, California, 92130
3 +1 (858) 720-5700
4 +1 (858) 720-5799 facsimile
5 htc-philipsperkinsservice@perkinscoie.com

6 Ryan McBrayer (pro hac vice)
7 Jonathan Putman (pro hac vice)
8 Stevan Stark (pro hac vice)
9 Antoine McNamara (Cal. Bar No. 261980)
10 PERKINS COIE LLP
11 1201 Third Avenue, Suite 4900
12 Seattle, Washington, 98101
13 +1 (206) 359-8000
14 +1 (206) 359-9000 facsimile
15 htc-philipsperkinsservice@perkinscoie.com

16 *Attorneys for Defendants HTC Corp. and HTC
17 America, Inc.*

Daniel Apgar (admitted *pro hac vice*)
Jaime Cardenas-Navia (admitted *pro hac vice*)
Sean M. McCarthy (admitted *pro hac vice*)
Robert Pickens (admitted *pro hac vice*)
Caitlyn Bingaman (admitted *pro hac vice*)
Joyce Nadipuram (admitted *pro hac vice*)
Julian Pymonto (admitted *pro hac vice*)
FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York, 10104
+1 (212) 218-2100
+1 (212) 218-2200 facsimile
philipsprosecutionbar@fchs.com

Chris Holland (SBN 164053)
Lori L. Holland (SBN 202309)
HOLLAND LAWLLP
220 Montgomery Street, Suite 800
San Francisco, CA 94104
Telephone: (415) 200-4980
Fax: (415) 200-4989
cholland@hollandlawllp.com
lholland@hollandlawllp.com

*Attorneys for Koninklijke Philips N.V.
and U.S. Philips Corporation*


ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from counsel for HTC Corp. and HTC America, Inc.

Dated: August 15, 2018 /s/ Sean M. McCarthy

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: August 16, 2018


Hon. Haywood S. Gilliam, Jr.
United States District Judge